

REMARKS

In the Office Action, the Examiner restricted the claims to one of the following groups:

- I. Claims 1-7, drawn to a system featuring a controller generator that provides an application that receives requests and obtains data comprising a cookie and a cookie manager that prevents conflicting cookie values associated with the obtained cookie, class 709, subclass 228;
- II. Claims 8-13 and 22, drawn to a method for creating a controller that receives requests, obtains data, and responds to requests and providing a cookie manager that stores a plurality of values associated with a cookie and selects one of the values based on the requests for data, class 709, subclass 228;
- III. Claims 14-16, drawn to means for creating a controller configured to receive requests, obtain data, and respond to the requests and means for managing cookie actions to maintain a current value of a particular cookie and selecting an appropriate one of the plurality of cookie values, class 709, subclass 228; and
- IV. Claims 17-21, drawn to a medium having a program with a cookie manager configured to provide a desired cookie value for a response to a user request, class 709, subclass 228.

After careful review of the Examiner's restriction requirement, the Applicants elect to prosecute claims 1-7 corresponding to Group I *with traverse*. In support of the restriction requirement, the Examiner cited Section 806.05(d) of the Manual of Patent Examining Procedure. However, based on the Applicants' review of this section, it is clear that the Examiner's restriction requirement is improper and must be withdrawn. Specifically, Section 806.05(d) states:

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants.

To support a restriction requirement where applicant separately claims plural subcombinations usable together in a single combination and claims a combination that requires the particulars of at least one of said subcombinations, both two-way distinctness and reasons for insisting on restriction are necessary. Each subcombination is distinct from the combination as claimed if:

(A) the combination does not require the particulars of the subcombination as claimed for patentability (e.g., to show novelty and unobviousness), and

(B) the subcombination can be shown to have utility either by itself or in another materially different combination. See MPEP § 806.05(c).

Furthermore, restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search.

M.P.E.P. § 806.05(d) (emphasis added). First, The Examiner's restriction requirement does not appear to meet the "do not overlap in scope" criteria set forth above. The Examiner's restriction requirement (and the language in the claims) clearly indicates overlapping scope between the different groups. Second, the Examiner's restriction requirement does not appear to meet the "serious burden" criteria set forth above. All four groups are clearly in the same class and subclass, i.e., class 709, subclass 228. According to Section 806.05(d) of the M.P.E.P., the restriction is not proper in view of this same classification. Furthermore, the Examiner already considered all of the claims in the previous Office Action. The subsequent amendments were merely clarifications of the original claims. Clearly, examination of these claims is *not* a "*serious* burden" on the Examiner, because the Examiner was able to perform a prior art search and formulate rejections of the claims in the previous Office Action. Thus, the Applicants believe that the Examiner's restriction requirement is improper and cannot stand. For these reasons, among others, the Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all pending claims.

With reference to the Manual of Patent Examining Procedure, the Applicants also emphasize that "[p]iecemeal examination should be avoided as much as possible." M.P.E.P. § 707.07(g). Moreover, "the examiner should never overlook the importance of his or her role in allowing claims which properly define the invention." *Id.* at § 706. For these reasons, among others, the Applicants respectfully request the Examiner to withdraw the restriction requirement and allow the pending claims.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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